

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AS TO LOSS OF LETTERS PATENT

Atty. Docket No. (Opt.)

CSF

1260

Name of Patentee(s)

**Jean Henry Albert Scholten
Anno Johannes Scholten**

Patent Number

5,450,999

Title of Invention

**Variable Air Volume Environmental System
Including A Fuzzy Logic Control System**

Reissue Application Number (if known)

08/932,652



Box AF

Hon. Asst. Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on May 1, 2000.

Lael Atkinson

Lael Atkinson

We hereby declare that:

We are the applicants for a reissue patent based on the original patent identified above.

The said original patent is lost or inaccessible.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Jean Henry Albert Scholten

Jean Henry Albert Scholten

Anno Johannes Scholten

Anno Johannes Scholten

24 APR 00

Date

24 APRIL 00

Date

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Art Unit: 3744

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 2, 6, 16, 20, 30, 34, 49-69 are rejected as being based upon a defective declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

Original patent claims can not be renumbered even if cancelled and claims added during prosecution of a reissue should begin following the highest original patent claim number. Therefore the claims numbered as 2, 6, 16, 20, 30, 34 in the September 8, 1999 amendment are in improper form. These claims should be cancelled and resubmitted entirely underlined and numbered as 79, 80, 81, 82, 83 and 84.

Would the attorney please send in a copy of page 3 of the first office action.

The original patent, or an affidavit or declaration as to loss or inaccessibility of the

original patent, must be received before this reissue application can be allowed. See 37

CFR 1.178.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).